

STATE WATER RESOURCES CONTROL BOARD MEETING  
SACRAMENTO, CALIFORNIA  
April 26, 2000

**ITEM: 4**

**SUBJECT:**

**CONSIDERATION OF APPROVAL OF CALIFORNIA WATER CODE SECTION 13263.3  
POLLUTION PREVENTION PLAN FORMATS**

**DISCUSSION:**

The Clean Water Enforcement and Pollution Prevention Act of 1999 (Senate Bill 709) amended the California Water Code (CWC) by adding Section 13263.3. CWC Section 13263.3(d)(1) authorizes the State Water Resources Control Board (SWRCB), a Regional Water Quality Control Board (RWQCB), or a publicly owned treatment works (POTW) to require a discharger to prepare and implement a pollution prevention plan. CWC Section 13263.3(c) defines a discharger as any entity required to obtain a National Pollutant Discharge Elimination System (NPDES) permit or any entity subject to the federal pretreatment program.

Under CWC Section 13263.3, a pollution prevention plan may be required if any of the following apply:

1. The SWRCB finds the discharger to be a chronic violator, and the SWRCB, an RWQCB, or a POTW determines that pollution prevention could assist the discharger in achieving compliance;
2. The discharger significantly contributes, or has the potential to significantly contribute, to the creation of a toxic hot spot as defined in CWC Section 13391.5; or
3. The SWRCB, an RWQCB, or a POTW determines that pollution prevention is necessary to achieve a water quality objective.

CWC Section 13263.3(j) requires the SWRCB to adopt a sample format for use by dischargers, including POTWs, for preparing Section 13263.3 pollution prevention plans.

Use of the format is not mandatory. Dischargers, however, must address all the elements required by Section 13263.3 and the format, if required to prepare a Section 13263.3 pollution prevention plan.

The Hazardous Waste Source Reduction and Management Review Act of 1989

(SB 14) requires facilities that generate hazardous waste to prepare pollution prevention plans. If a facility is subject to the pollution prevention plan requirements of both SB 14 and SB 709, the facility may prepare a single report to satisfy both requirements. The required information for both acts, however, must be included in the plan.

SWRCB staff has prepared two pollution prevention plan formats, one for POTWs and another for dischargers that are not POTWs. These formats are attached. To develop the formats, staff reorganized the requirements in CWC Section 13263.3 into a more logical sequence and added one additional requirement to each format. The pollution prevention plan format for dischargers that are not POTWs has an additional requirement for a monitoring plan to monitor the effectiveness of pollution prevention efforts; and the pollution prevention plan format for POTWs has an additional

requirement to evaluate the use of partnerships with other agencies and organizations. The basic process for developing the pollution prevention plans is to: (1) identify pollutants of concern and their sources; (2) analyze and select methods for reducing the introduction of these pollutants into the facility's wastewater; and (3) develop a plan for implementing the selected methods.

**POLICY ISSUE:**

Should the SWRCB adopt the CWC Section 13263.3 pollution prevention plans formats (attached)?

**FISCAL IMPACT:**

Approving the pollution prevention plan formats will have no fiscal impact on the SWRCB or the RWQCBs. There will, however, be some costs for implementing CWC Section 13263.3. RWQCBs will incur costs to require and review pollution prevention plans. The authority to require a pollution prevention plan is discretionary and is provided only under prescribed circumstances. SWRCB staff, therefore, does not expect the RWQCBs to require a large number of dischargers to prepare and implement pollution prevention plans. For this reason, the costs to implement Section 13263.3 are expected to be small and will not impact existing budgets allotments.

**RWQCB IMPACT:**

All RWQCBs

**STAFF RECOMMENDATION:**

That the SWRCB adopts CWC Section 13263.3 pollution prevention plan formats (attached).

Policy Review \_\_\_\_\_

Fiscal Review: \_\_\_\_\_

Legal Review: \_\_\_\_\_

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2000 - 025

ADOPTION OF  
CALIFORNIA WATER CODE SECTION 13263.3  
POLLUTION PREVENTION PLAN FORMATS

WHEREAS:

1. The Clean Water Enforcement and Pollution Prevention Act of 1999 was signed by Governor Davis on July 12, 1999.
2. The Clean Water Enforcement and Pollution Prevention Act added Section 13263.3 to the California Water Code (CWC).
3. CWC Section 13263.3, under specified circumstances, allows the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards, and Publicly Owned Treatment Works to require dischargers that have National Pollutant Discharge Elimination System (NPDES) permits or are subject to the federal pretreatment program to prepare pollution prevention plans.
4. CWC Section 13263.3 requires the SWRCB to adopt a sample format to be used by dischargers for completing the pollution prevention plans prescribed by the section.
5. CWC Section 13263.3 requires the sample format to address all the factors required by the section and states that the SWRCB may include other factors determined to be necessary to carry out the section.
6. Although use of the sample format is not mandatory, CWC Section 13263.3 pollution prevention plans must address all elements included in the sample format.
7. SWRCB staff has prepared a format for adoption by the SWRCB.

THEREFORE BE IT RESOLVED THAT:

The SWRCB adopts the CWC Section 13263.3 pollution prevention plan formats (attached).

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 26, 2000.

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Maureen Marché  
Administrative Assistant to the Board

## **CALIFORNIA WATER CODE SECTION 13263.3**

### **Clean Water Pollution Prevention Plan Format For Dischargers That Are Not POTWs**

(Approved by Resolution No. 2000 –025)

#### **I. ANALYSIS OF POLLUTANT SOURCES**

- A. Provide an analysis of one or more pollutants of concern as directed by the State Water Resources Control Board (SWRCB), the Regional Water Quality Control Board (RWQCB), or a Publicly Owned Treatment Works (POTW) that the facility discharges. This analysis must include:
  - i.* A description of the sources of the pollutants and
  - ii.* A comprehensive review of the processes used that result in the generation and discharge of the pollutants.

#### **II. POLLUTION PREVENTION ALTERNATIVES ANALYSIS**

- A. Provide a description of the existing pollution prevention and wastewater treatment methods used by the discharger.
- B. Provide an analysis of pollution prevention activities that may reduce the generation and/or discharge of the pollutants, including the application of innovative and alternative technologies. Discuss any adverse environmental impacts that may be caused by the use of these methods.
- C. Provide an analysis, to the extent feasible, of the relative costs and benefits of the pollution prevention activities described in Item B.
- D. Provide a description and rationale for the pollution prevention measures selected for implementation.

#### **III. IMPLEMENTATION PLAN**

- A. Provide a statement of pollution prevention goals for the short-term (less than two years) and the long-term (two years or more).
- B. Provide a detailed description of the tasks and schedules for implementing the pollution prevention activities.

- C. Provide a description of a monitoring program designed to measure the effectiveness of the pollution prevention activities in reducing the pollutants of concern. This monitoring program must include:
  - i.* A description of the methods used to measure the effectiveness of the pollution prevention activities and
  - ii.* A discussion relating the performance measurements to the pollution prevention goals.
- D. Provide a statement that the discharger's existing and planned pollution prevention strategies do not constitute cross media pollution prevention transfers, unless clear environmental benefits of such an approach are identified to the satisfaction of the SWRCB, RWQCB or the POTW, and information that supports that statement.
- E. Provide proof of compliance with the Hazardous Waste Source Reduction and Management Review Act of 1989 (Article 11.9 [commencing with Section 25244.12] of Chapter 6.5 of Division 20 of the Health and Safety Code), if applicable.

## **CALIFORNIA WATER CODE SECTION 13263.3**

### **Clean Water Pollution Prevention Plan Format For POTWs**

(Approved by Resolution No. 2000 – 025)

#### **I. ANALYSIS OF POLLUTANT SOURCES**

- A. Provide a list of pollutants of concern and the reasons why these pollutants were chosen.
- B. Provide an estimate of the pollutant load from each of the sources that discharge the pollutants of concern to the Publicly Owned Treatment Works (POTW). Also, identify those sources that are not within the ability or authority of the POTW to control, such as pollutants in the potable water supply, airborne pollutants, pharmaceuticals, or pesticides and estimate the magnitude of these sources, to the extent feasible.

#### **II. POLLUTION PREVENTION ACTIVITIES**

- A. Provide a description of the POTW's existing pollution prevention activities.
- B. Provide an analysis of the methods that could be used to prevent the discharge of the pollutants of concern to the POTW, including:
  - i.* The application of local limits to industrial or commercial dischargers, public education and outreach, development of partnerships with other agencies and organizations, and other methods including innovative/alternative ones to reduce the discharges of the pollutants of concern to the POTW;
  - ii.* An estimate of load reductions that may be attained through the methods identified in Part *i*; and
  - iii.* An analysis, to the extent feasible, of the costs and benefits that would be incurred to implement the pollution prevention methods identified in Part *i*.

### III. IMPLEMENTATION PLAN

- A. Provide a statement of the POTW's pollution prevention goals, including priorities for the short-term (less than two years) and long-term (two years or longer) and a description of the POTW's intended pollution prevention activities for the immediate future.
- B. Provide a description of the tasks, cost, and time required to investigate and implement the activities in pollution prevention plan.
- C. Provide a plan for monitoring the results of the pollution prevention activities.
- D. Provide an analysis, to the extent feasible, of any adverse environmental impacts including those caused by cross media transfers or substitute chemicals that may result from the implementation of the pollution prevention plan.